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Date: April 2, 2002

Brian M. Berliner

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CAU / 2161

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Technology Center 2100

PATENT  
254070-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: SMITH et al.

Art Unit: 2161

Serial No.: 09/645,292

Examiner:

Filed: August 24, 2000

Title: TARGETED MARKETING SYSTEM AND  
METHOD

REQUEST FOR PERMISSION TO WITHDRAW AS  
ATTORNEY OF RECORD (37 C.F.R. § 10.40(c))

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned attorney, on behalf of himself and the other attorneys of record, who are members or associates in the firm of O'MELVENY & MYERS LLP, or who were so listed at the time of their appointment, and on behalf of any attorneys appointed by any of the attorneys on whose behalf this petition is filed, requests the approval of the Commissioner to withdraw as attorneys of record.

The attorneys on whose behalf this request to withdraw is filed include:

Brian M. Berliner, Reg. No. 34,549  
Todd E. Fitzsimmons, Reg. No. 44,683  
Dennis R. Gallagher, Reg. No. 42,563  
Jonathan A. Jaech, Reg. No. 41,091  
Ryan K. Yagura, Reg. No. 47,191  
Peter C. Hsueh, Reg. No. 45,574

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The present mailing address of the attorneys of record is:

O'MELVENY & MYERS LLP  
400 South Hope Street  
Los Angeles, CA 90071-2899

The present mailing address of the Applicants are:

Ms. Linda Smith  
4603 Deseret Drive  
Woodland Hills, CA 91364

Mr. Darren D. Lu  
1 Acropolis Aisle  
Irvine, CA 92614

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Items pertinent to the request for withdrawal are set forth below.

1. Basis For Withdrawal Request. The basis for the request for withdrawal is 37 C.F.R. 10.40(c)(1)(vi), failure to pay bills rendered by the attorneys of record for an unreasonable period of time.
2. Notification Of Client: In accordance with 37 C.F.R. § 10.40(a), copies of this request are being sent to the Applicants.

At least thirty (30) days remain for the Applicants to take any action due in this case or an appropriate request for extension of time accompanies this request seeking additional time. The attorneys on whose behalf this petition is filed will ensure that the Applicants have sufficient time after approval of this request to reply or employ another to reply to any outstanding requirement of the U.S. Patent and Trademark Office.

3. Number Of Copies Of Request. This request is enclosed in triplicate.

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Further communications regarding this application should be directed to the Applicants at the following address:

Ms. Linda Smith  
FACECAKE.COM  
4603 Deseret Drive  
Woodland Hills, CA 91364

Signature of the authorized attorney on behalf of himself and the other attorneys of record of the withdrawing firm, O'Melveny & Myers LLP.

Respectfully submitted,



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Brian M. Berliner  
Authorized Attorneys  
Registration No. 34,549

Date: April 2, 2002

**O'MELVENY & MYERS LLP**  
400 South Hope Street  
Los Angeles, CA 90071-2899  
Telephone: (213) 430-6000

cc: Ms. Linda Smith